

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**GARY ANDERSON,
APPELLANT
vs.**

**INT'L ASSOC. OF OPERATIVE MILLERS,
RESPONDENT**

DOCKET NUMBER WD72082

DATE: DECEMBER 21, 2010

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable James D. Youngs, Judge

Appellate Judges:

Division Three: Alok Ahuja, P.J., Victor C. Howard, and Cynthia L. Martin, JJ.

Attorneys:

Reginald C. Giffin, for Appellant

Vaughn Burkholder, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

GARY ANDERSON, APPELLANT

v.

INT'L ASSOC. OF OPERATIVE MILLERS, RESPONDENT

WD72082

Jackson County, Missouri

Before Division Three Judges: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Gary Anderson served as the executive vice president of the International Association of Operative Millers ("IAOM") until his employment was terminated on May 30, 2007. Anderson subsequently filed a petition against IAOM alleging that he was terminated in retaliation for his reports of potential antitrust violations by one of IAOM's committees. Anderson alleged that he reported the violations to IAOM's president, who then engaged in a pattern of retaliatory conduct that led to the termination of Anderson's employment by the Board of Directors. IAOM filed a motion for summary judgment, which the trial court granted. Anderson appeals.

AFFIRMED.

Division Three holds:

In the absence of evidence showing that the Board of Directors knew of Anderson's report of possible antitrust violations, Anderson had to establish that the president's retaliatory reports, recommendation, or other actions caused the termination of Anderson's employment. However, where Anderson could demonstrate only that the president may have influenced or had input in the decision to discharge Anderson, and other members of IAOM made independent investigations and confronted Anderson directly about concerns with his job performance, any retaliatory conduct of the president could not be imputed to the Board of Directors. Therefore, the trial court did not err in granting summary judgment in favor of IAOM.

Opinion by: Victor C. Howard, Judge

Date: December 21, 2010

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